



Single Bench

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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P.NO. 667 / 2005

Petitioner

:

✓ Santosh Kumar Tadas
S/o Late shri Pamaji Tadas
Aged about 33 years,
R/o Bhagat Singh Ward,
Ward No.17, Near High School
Dongargarh, Dist : Rajnandgaon
(Dist : Durg as mentioned in the
impugned order)

654/05
P.R. No.
Presented by Shri. B. P. Bhandari
dated 17-02-05

Versus

Respondent

:

✓ Smt. Tara Tadas
W/o Shri Santosh Tadas,
Aged about 30 years,
Indraprast Nagar
(Fauji Nagar) M.P.Housing Board,
Bhilai 26)
Dist : Durg-(C.G.)

WRIT PETITION U/A 227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक

W.P. 667

सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23-9-2005 Mr. Prafull Bharat, counsel for the petitioner. Mr. Uttam Pandey, counsel for the respondent. Heard both the counsel. The petitioner has preferred this writ petition under Article 227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 3-1-2005 passed by the 7th Additional District Judge, Durg in Civil Suit No.223-A/2004, whereby learned Additional District Judge while allowing the respondent's application filed under Section 24 of the Hindu Marriage Act, 1955, granted interim maintenance of Rs.1,500/- per month and Rs.3,000/- litigation expenses. Mr. Prafull Bharat, learned counsel for the petitioner argued that as far the litigation expenses are concerned, he has no objection. However, interim maintenance has not been granted commensurate with the earning of the petitioner. The petitioner's income is only Rs.1,290/- per month which he is receiving from Maa Bamleshwari Trust, as he is working under the said trust and there is no other income. The trial Court has included income of the petitioner from his brother's shop as also the agricultural income, whereas there is no such proof on the file. On the other hand, Mr. Uttam Pandey, learned counsel for the respondent submitted that averment has been made that the petitioner apart from working in the Trust is also working with his brother in Kirana	

मामला क्रमांक W.P. 667/ सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	General Merchandise shop, and from there he is earning around about Rs.2,000/- per month and he is also getting income from his ancestors property, the agriculture. Having heard learned counsel for the parties and having perused the documents and pleadings of the parties, it is established that the petitioner is getting salary of Rs.1,290/- per month from the Trust and he is also getting some income from his brother's Merchandise shop, where ~~also~~ he is working. It has not been specifically denied by the petitioner herein that there is no agricultural income, as such, in the facts and circumstances of the case, I am of the considered opinion that the interim maintenance amount of Rs.1,000/- per month is just and proper looking to the income of the petitioner. In the result, the petition is allowed and the monthly maintenance allowance is modified to Rs.1,000/- per month from Rs.1,500/- per month. In view of this order, M.(W.)P.No.547/2005 & I.A.No.2516/2005 stand disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge

Sd/-

4/10/05